

Remarks

The Examiner's Office action mailed May 29, 2008, which rejected pending claims 1-58, 60-102, and 107-134, has been reviewed. Claims 1, 8, 45, 70, 74, 85-88, 102, 107, 108, 111, and 129. In view of the following remarks, Applicants respectfully submit that the application is in condition for allowance.

Specification Objections

The Examiner states that the "applicant's specification does provide a description for what a stream routing processor (As in claims 1, 10, 45, 102, 107, and 130 among others) comprises. Though the term is used in numerous places, the applicant has provided no description for the term and the term is not standard in the art. The Examiner also states that the "applicant's specification does provide a description for what a stream caster (As in claims 1, 10, 45, 102, and 134 among others) comprises. Though the term is used in numerous places, the applicant has provided no description for the term and the term is not standard in the art." Although the Office action states that the applicants' specification does provide a description, Applicants believe the Examiner's intention was to assert that applicants specification does not provide a description for the terms "stream routing processor" and "stream caster." Applicants respectfully submit that the specification provides a description in compliance with MPEP 2111.01 (IV).

According to the MPEP 2111.01 (IV), the applicant may act as own lexicographer. Moreover, "the specification should also be relied on for more than just explicit lexicography or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer; the meaning of a particular claim term may be defined by implication, that is, according to the usage of the term in >the< context in the specification." See *Phillips v. AWH Corp.*, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc); and *Vitronics Corp. v. Conceptronic Inc.*, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996).

The stream routing processor 202 is described in reference to FIG. 1 and FIG. 2. For example, in reference to FIG. 1, the application provides that the "MMS 110 may have a stream routing processor (SRP) or another type of processor or monitor that processes requests for media using the current state of the switch, such as available bandwidth, bandwidth necessary to provide a requested media, hardware and software version compatibility, disk space capacity, and the current operating mode of the MMS. (See application, page 22, ln 16-20.) In reference

to FIG. 2, of Figure 1 comprises a stream routing processor (SRP) 202, a switch controller (SC) 204, one or more streaming devices, including a first stream caster 206 and an Nth stream caster 208, one or more media storage devices, such as a first media storage 210 and an Nth media storage 212, and a packet switch. (See application, page 38, ln 10-13.) Further description of the stream routing processor 202 can be found at ages 38-40.

Regarding the stream caster, the specification provides that the “MMS 110 streams media to a viewer 116 or 118. The MMS 110 has other communication devices, such as one or more stream casters and one or more media servers, that provide requested media to a viewer 116 or 118.” The specification as describes that “stream casters 206 and 208 stream media from the MMS 110A. The stream casters 206 and 208 accept a session or connection setup only from a viewer 116 or 118 having a valid reservation. The stream caster 206 and 208 receive, process, and transmit signaling directly from and to the viewers 116 and 118. This signaling may include setup type signaling, teardown type signaling, viewing event signaling, and streaming status, such as lost packet identifications, received packet information, streaming quality information, and other status information. The stream casters 206 and 208 report to the SRP 202 any state change of an attempted or existing session, including state changes of an existing media stream. The stream casters 206 and 208 are arrayed for delivery of digital streaming video content using one or more media servers, such as Real Player, Quick Time, Windows Media, moving picture experts group (MPEG) protocols, or other protocols. (See application, page 41, ln 21-23 and page 42, ln 1-9.)

Applicants submit that the meaning of the terms “stream routing processor” and “stream caster” are at the very least defined by implication, and, thus, comply with MPEP 2111.01(IV) and MPEP.01 (o). Accordingly, Applicants respectfully submits that the objection to the specification should be withdrawn.

Claim Objections

Claim 5 is objected to because the Examiner asserts that the term “validating” in the limitation “validating a reservation identification using a valid identification” is conjugated incorrectly. Applicants respectfully submit that the Examiner has misread the claimed limitations.

Claim 45 recites, in part, “a stream caster configured to accept a session from the viewer to stream at least partially the requested media upon receiving and validating a reservation identification using a valid reservation identification. Thus, according to claim 45, “the stream caster is configured to accept a session upon the receiving and validating of reservation identification . . .” Applicants believe submit that the claimed aspect of the embodiment set forth in claim 45, clearly provides that upon both receiving and validating of the reservation identification, the stream caster is configured to accept a session. Nevertheless, Applicants have amended the claim 45 to recite:

45. A system for streaming media to a viewer comprising:
- a stream caster configured to accept a session from the viewer to stream at least partially the requested media upon both receiving and validating a reservation identification using a valid reservation identification; and
 - a stream routing processor configured to determine if the stream caster is configured to stream the requested media, and, if so, to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the stream caster.

Accordingly, Applicants respectfully request that the objection to the claim 45 be withdrawn.

Claim Rejections-35 USC § 101

Claims 1-3, 7-35, and 42-102 stand rejected under 101 because the claimed invention is directed to non-statutory subject matter. Regarding claims 1, 7-9, 45-90, and 102, the Examiner asserts that the “applicant's specification does not provide any description of what a stream routing processor is nor does it provide any description of what a stream caster is. Given the applicants vague disclosure it is reasonable to assume that these elements are software.” (See Office action at page 4 and 5.) The Examiner asserts that because claims 1-3 and 7-9 are directed towards software per se they do not fall into a statutory category of invention. As discussed above, the specification does in fact provide a description of “stream routing processor” and a “stream caster.”

Regarding a “stream routing processor,” the specification, clearly defines this claimed element as a type of processor. For example, the specification provides the “MMS 110 may have a stream routing processor (SRP) or another type of processor or monitor that processes requests for media using the current state of the switch. (See application, page 22, ln 16-20.) Thus, as claimed and described the stream routing processor is a processor not software.

Regarding the stream caster, the specification provides “[t]he MMS 110 streams media to a viewer 116 or 118. The MMS 110 has other communication devices, such as one or more stream casters and one or more media servers, that provide requested media to a viewer 116 or 118. The MMS 110 monitors all communication devices, such as one or more stream casters and one or more media servers, within the MMS so that at any time the MMS can determine if it can provide a requested media. (See application, page 22, ln 10-15.) The specification further provides that “[t]he NRP 108 may use the domain name system (DNS) protocol to receive the media locator request from the viewer 116 and 118 and to return an IP address of the stream caster in the MMS. Thus, as claimed and described the stream caster is a communication device not software.

Regarding claim 3, the Examiner asserts that the “[p]age 51 of the applicant's specification describes a switch controller which is comprised only of software elements (broadband service controller, circuit database, human machine interface, and network, manager.” Applicants disagree. The present application refers to the switch controllers as a device. For example, the present application discloses “ signaling messages transmitted between the devices of the MMS 110, including between the SRP 202, the switch controller 204, the stream caster 206, and the media storage 210 occur via the packet switch 214. (See application, page 44, ln 23 and page 45, lines 1-3.) Thus, the switch controller as claimed and described is not software.

Claims 10-35, 42-44, and 45-90 are allowable for the same reasons as claim 1. In particular, as described above the stream routing processor and stream caster are not software.

Claims 91-101 and claim 102 are allowable for the same reasons as claim 1 and 3

Claim Rejections –35 USC § 112

Claims 1, 8, 45, 70, 74, 85-88, 102, 108,111, 116, and 129 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1, 8, 45, 70, 74, 85-88, 102, 108, 111, 116, and 129 as suggested were required .

Regarding claim 8, Applicants point out that claim 7 provides antecedent basis for “the session” in claim 8. In particular, claim 7, recites in part, “a viewing event for a session.”

Claim Rejections –35 USC § 102

The Examiner rejected 1-58, 60-101, and 107-134 under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent application Publication Number 2006/0031151 to Agresta et al. (“Agresta.”)

Applicants submit that Agresta fails to disclose, teach, or suggest each and every element of Applicants’ claims and, thus, Agresta is not an anticipatory reference under 35 U.S.C. § 102(c). Moreover, unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102. *Net MoneyIn, Inc. v. Verisign, Inc.*, 07-1565 (Fed Cir. 2008). The following is claim 1 with underlined portions that are not disclosed, taught, or suggested by the cited reference.

1. A system for streaming media comprising:
a stream routing processor configured to receive reservation data comprising a valid reservation identification and to transmit the valid reservation identification; and
a stream caster configured to receive a reservation identification, to receive the reservation data identifying the valid reservation identification from the stream routing processor, to validate the reservation identification using the valid reservation data, and, if valid, to stream at least partially the requested media.

In applying the teachings of Agresta to the claims, applicants respectfully submit that the Examiner has incorrectly equated “the server communication module 26” and server module 38 described in Agresta with the stream routing processor and stream caster as claimed and described in the present application. Regarding claim 1, the Examiner asserts that “Agresta

teaches a system for streaming media comprising: a stream routing processor configured to receive reservation data comprising a valid reservation identification and to transmit the valid reservation identification (paragraph 40, server communication module 26 is considered to be the "stream routing processor"); and a stream caster (paragraph 40, the sever module 38 is considered the "stream caster") configured to receive a reservation identification. to receive the reservation data identifying the valid reservation identification from the stream routing processor, to validate the reservation identification using the valid reservation data, and, if valid, to stream at least partially the requested media (the sever module uses the data received from the server communication module to validate media requests)." (See Office action at pages 7 and 8.) As an initial matter applicants disagree that the server communication module 26 and the server module 38 disclosed in Agresta not correspond to the stream routing processor and stream caster as described and claimed in the present application. Moreover, even if the communication module 26 and the server module 38 were equivalent, which applicants dispute, the server communication module 26 and the server module 38 are not arranged or combined in the same way as the stream routing processor and stream caster recited in the claim 1.

Agresta discloses that the "instant invention 10 downloads music from a central database system 20 using a public access network or communication system, such as a land line or wireless modem, a standard computer modem, cable modem, DSL, packet switching network (PSN), wireless cellular and/or digital communication system (CDPD) or other communication and data transfer techniques. The central database system 20 comprises a central server 38, an encryption/coding module 28, a database or databases comprising a music content database 32, playlist database 34 and account database 36, and a network server communication module 26. (See Agresta, page 4, paragraph 40). Also, Agresta discloses that the server communication module 26 establishes a broadband telecommunication link 22, either through a land-line/wired link (such as a modem, cable modem, DSL or T1-T3) or a wireless link (such as PSN or CDPD), over a designated global access network, such as the public telephone system or the Internet, and an end-user playing device 12 for receiving customer requests and transmitting purchased audio and/or video media data from the corresponding database(s) 31-40 to the end-user playing device 12.

The present invention discloses that the "SRP 202 determines if the [managed media switch] MMS 110A can provide a requested presentation based on signaling from the NRP 108

identifying the request, signaling from one or more stream casters 206 and 208, and the current state of the MMS 110A as identified above. If the SRP 202 determines that a stream caster 206 or 208 can provide the requested presentation, the SRP notifies the NRP 108 which one of its stream casters can handle the request.” (See application, page 38, lines 21-22 and page 39, lines 1-5.) Agresta fails to disclose that a stream routing processor (or the server communication module 26) is configured to receive reservation data comprising a valid reservation identification and to transmit the valid reservation identification. Rather, Agresta discloses that the server communication module 26 establishes a broadband telecommunication link 22, either through a land-line/wired link (such as a modem, cable modem, DSL or T1-T3) or a wireless link (such as PSN or CDPD), over a designated global access network, such as the public telephone system or the Internet, and an end-user playing device 12 for receiving customer requests. (See Agresta, page 5, and paragraph 0041.) Establishing a broadband connection is not the same as receiving reservation data comprising a valid reservation identification and to transmit the valid reservation identification.

Agresta discloses that the central server runs software 100, processes orders and commands and controls the flow and transmission of data from the databases 31-40 and the end-user playing device 12. However, Agresta does not disclose a stream caster (or central server) configured to receive a reservation identification, to receive the reservation data identifying the valid reservation identification from the stream routing processor, to validate the reservation identification using the valid reservation data, and, if valid, to stream at least partially the requested media. For example, there is no teaching or suggestion in Agresta of reservation identification or reservation identification data as claimed and described. Because Agresta, fails to teach reservation identification or reservation identification data, the cited reference certainly fails to teach the stream caster or any other component that validates the reservation identification using the valid reservation data.

For the reasons discussed above, Applicants submit that Agresta not only fails to teach, or suggest each and every element of amended claim 1, but the cited references clearly does not disclose all of the limitations arranged or combined in the same way as recited in claim 1. Thus, independent claim 1 is not anticipated by Agresta.

Claim 10 is patentable over Agresta under 35 U.S.C. § 102(c). The following is claim 10 with underlined portions that are not disclosed, taught, or suggested by the cited reference.

10. A switch for streaming media comprising:
a stream routing processor configured to receive signaling inquiring if the switch can stream requested media, to determine if the switch is configured to stream the requested media, and, if so to receive reservation data comprising a valid reservation identification; and
a stream caster configured to receive a reservation identification, to receive from the stream routing processor the reservation data identifying the valid reservation identification, to validate the reservation identification using the valid reservation data, and, if validated, to stream at least partially the requested media.

The remarks made above with respect to claim 1 and the disclosure of Agresta similarly apply to claim 10. Regarding claim 10, the Examiner asserts that “Agresta teaches a switch (server 20 is considered the switch) for streaming media comprising: a stream routing processor configured to receive signaling inquiring if the switch can stream requested media, to determine if the switch is configured to stream the requested media, and if so to receive reservation data comprising a valid reservation identification (paragraph 40, see mapping for claim 1); and a stream caster configured to receive a reservation identification, to receive from the stream routing processor the reservation data identifying the valid reservation identification, to validate the reservation identification using the valid reservation data, and, if validated, to stream at least partially the requested media. (paragraph 40, see mapping for claim 1).” (See Office action at page 8.). Again, applicants disagree that the server communication module 26 and the server module 38 disclosed in Agresta not correspond to the stream routing processor and stream caster as described and claimed in the present application. Moreover, even if the communication module 26 and the server module 38 were equivalent, which applicants dispute, the server communication module 26 and the server module 38 are not arranged or combined in the same way as the stream routing processor and stream caster recited in the claim 10.

Agresta fails to disclose that signaling inquiring if the switch can stream requested media, to determine if the switch is configured to stream the requested media, and, if so to receive reservation data comprising a valid reservation identification. Rather, as described above, Agresta discloses that the server communication module 26 establishes a broadband telecommunication link 22, either through a land-line/wired link (such as a modem, cable

modem, DSL or T1-T3) or a wireless link (such as PSN or CDPD), over a designated global access network, such as the public telephone system or the Internet, and an end-user playing device 12 for receiving customer requests. (See Agresta, page 5, paragraph 0041.) Establishing a broadband connection is not the same as receiving signaling inquiring if the switch can stream requested media, to determine if the switch is configured to stream the requested media, and, if so to receive reservation data comprising a valid reservation identification.

For the reasons discussed above, Applicants submit that Agresta not only fails to teach, or suggest each and every element of amended claim 10, but the cited references clearly does not disclose all of the limitations arranged or combined in the same way as recited in claim 10. Thus, independent claim 10 is not anticipated by Agresta.

Claim 45 is patentable over Agresta under 35 U.S.C. § 102(e). The following is claim 45 with underlined portions that are not disclosed, taught, or suggested by the cited reference.

45. A system for streaming media to a viewer comprising:
a stream caster configured to accept a session from the viewer to stream at least partially the requested media upon both receiving and validating a reservation identification using a valid reservation identification; and
a stream routing processor configured to determine if the stream caster is configured to stream the requested media, and, if so, to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the stream caster.

The remarks made above with respect to claims 1 and 10 and the disclosure of Agresta similarly apply to claim 45. With respect to claim 45, Agresta fails to disclose, teach, or suggest a stream caster configured to accept a session from the viewer to stream at least partially the requested media upon both receiving and validating a reservation identification using a valid reservation identification. The cited reference also fails to disclose, teach, or suggest a stream routing processor configured to determine if the stream caster is configured to stream the requested media, and, if so, to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the stream caster.

Claim 107 is patentable over Agresta under 35 U.S.C. § 102(e). The following is claim 107 with underlined portions that are not disclosed, taught, or suggested by the cited reference.

107. A method for streaming media from a switch comprising:
determining if a stream caster is configured to stream requested media;
receiving reservation data comprising a valid reservation identification at the stream
caster; and
accepting a session to stream at least partially the requested media upon receiving and
validating a reservation identification using the valid reservation identification.

The remarks made above with respect to claims 1 and 10 and the disclosure of Agresta similarly apply to claim 107. With respect to claim 107, Agresta fails to disclose, teach, or suggest determining if a stream caster is configured to stream requested media. The cited reference also fails to disclose, teach, or suggest receiving reservation data comprising a valid reservation identification at the stream caster. The cited reference also fails to disclose, teach, or suggest accepting a session to stream at least partially the requested media upon receiving and validating a reservation identification using the valid reservation identification.

The remarks made above with respect to claims 1 and 10 and the disclosure of Agresta similarly apply to claim 130. Regarding claim 130, Agresta fails to disclose, teach, or suggest receiving at a stream caster reservation data comprising a valid reservation identification. The cited reference also fails to disclose, teach, or suggest terminating an attempted session to stream requested media upon receiving and invalidating a reservation identification using the valid reservation identification.

The remarks made above with respect to claims 1, 10, and 45 and the disclosure of Agresta similarly apply to claim 132. Regarding claim 132, Agresta fails to disclose, teach, or suggest receiving signaling inquiring if the switch is configured to stream the requested media. The cited reference also fails to disclose, teach, or suggest determining if the switch is configured to stream the requested media, and, if so, acknowledging the inquiry. The cited reference also fails to disclose, teach, or suggest receiving reservation data comprising a valid reservation identification. The cited reference also fails to disclose, teach, or suggest receiving a reservation identification. The cited reference also fails to disclose, teach, or suggest validating the reservation identification using the valid reservation data, and, if validated, streaming at least partially the requested media.

The remarks made above with respect to claims 1, 10, and 45 and the disclosure of Agresta similarly apply to claim 133. Regarding claim 133, Agresta fails to disclose, teach, or suggest determining if a streaming device is configured to stream requested media, and, if so, receiving reservation data comprising a valid reservation identification and transmitting the valid reservation identification. The cited reference also fails to disclose, teach, or suggest accepting a session from the viewer at the streaming device to stream at least partially the requested media upon receiving and validating a reservation identification using the valid reservation identification.

The remarks made above with respect to claims 1, 10, and 45 and the disclosure of Agresta similarly apply to claim 134. Regarding claim 134, Agresta fails to disclose, teach, or suggest determining at a stream routing processor if a streaming device is configured to stream requested media. The cited reference also fails to disclose, teach, or suggest receiving reservation data comprising a valid reservation identification and transmitting the valid reservation identification to the streaming device. The cited reference also fails to disclose, teach, or suggest receiving reservation data comprising a valid reservation identification. The cited reference also fails to disclose, teach, or suggest accepting a session to stream at least partially the requested media upon receiving and validating a reservation identification using the valid reservation identification. The cited reference also fails to disclose, teach, or suggest monitoring the streaming device and notifying the stream routing processor of a status of the streaming device.

The Examiner rejected 1-58, 60-102, and 107-134 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,363,434 to Eytchison (“Eytchison.”) Applicants address the Examiner rejection of claim 45 as set forth in the Office action at page 10.

Applicants submit that Eytchison fails to disclose, teach, or suggest each and every element of Applicants’ claims and, thus, Eytchison is not an anticipatory reference under 35 U.S.C. § 102(e). Moreover, unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102. *Net MoneyIn, Inc. v. Verisign, Inc.*, 07-1565 (Fed Cir. 2008). The following is claim 45 with underlined portions that are not disclosed, taught, or suggested by the cited reference.

45. A system for streaming media to a viewer comprising:
a stream caster configured to accept a session from the viewer to stream at least partially the requested media upon both receiving and validating a reservation identification using a valid reservation identification; and
a stream routing processor configured to determine if the stream caster is configured to stream the requested media, and, if so, to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the stream caster.

The Examiner asserts that [a]s to claim 45, Eytchison teaches the claimed invention (as in exemplary claim 102) including a switch for streaming media to a viewer comprising: a stream caster configured to accept a session from the viewer to stream at least partially the requested media upon receiving and validating a reservation identification using a valid reservation identification (Figure 4 and col. 7; line 53-col. 8, line 7); a stream routing processor configured to determine if the stream caster is configured to stream the requested media, and, if so: to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the stream caster (Figure 4 and col. 7, line 53-col. 8: line 7); and a switch controller configured to monitor the stream caster and to notify the stream routing processor of a status of the stream caster (Figure 4 and col. 7. line 53-col. 8, line 7).” See Office action at page 10. However, one of the cited portion of Eytchison discloses that “usage information can be used to track the network usage of each user. The usage information may also be used by the resource manager 320 for restricting access to certain users who have exceeded their usage limitation.” (See Eytchison, col. 7, line 53) The other cited portion of Eytchison discloses that “[t]he ExecuteNowEvent request may further include information such as the identification of the user making the media service request.”

Tracking the usage of a user has nothing to with stream caster configured accept a session from the viewer to stream at least partially the requested media upon both receiving and validating a reservation identification using a valid reservation identification. Although Eytchison discloses that ExecuteNowEvent request may further include information such as the identification of the user making the media service request, the cited reference does not disclose

a first device (e.g., stream routing processor) configured to determine if a second device (e.g., the stream caster) is configured to stream the requested media, and, if so, to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the second device (i.e., stream caster). Thus, Eytchison does not teach the claimed invention arranged or combined in the same way as recited in the claim 45.

Accordingly, it is submitted that Eytchison fails to disclose, teach, or suggest each and every element of claim 45. Thus, independent claim 45 is patentable over Eytchison.

Applicants further submit that Eytchison does not teach the limitation arranged or combined in the same way as recited in the claims 1, 10, 102, 107, 132, 133, and 134. Applicant further point out that the Office action did not address limitations of claims 1, 10, 102, 107, 132, 133, and 134.

The Examiner rejected 1-58, 60-102, and 107-134 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent application Publication Number 2003/0137531 to Katinsky et al. (“Katinsky.”) Applicants address the Examiner rejection of claim 45 as set forth in the Office action at page 11

Applicants submit that Katinsky fails to disclose, teach, or suggest each and every element of Applicants’ claims and, thus, Katinsky is not an anticipatory reference under 35 U.S.C. § 102(e). Moreover, unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102. *Net MoneyIn, Inc. v. Verisign, Inc.*, 07-1565 (Fed Cir. 2008). As set forth above, the underlined portions of claim 45 are not disclosed, taught, or suggested by the cited reference.

The Examiner asserts that “[a]s to claim 45, Katinsky teaches the claimed invention (as in exemplary claim 102) including a switch for streaming media to a viewer comprising: a stream caster configured to accept a session from the viewer to stream at least partially the requested media upon receiving and validating a reservation identification using a valid reservation identification (paragraphs 32-42): a stream routing processor configured to determine if the stream caster is configured to stream the requested media.. and, if so: to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the stream caster (paragraphs 32-41); and a switch controller configured to monitor the stream

caster and to notify the stream routing processor of a status of the stream caster (paragraphs 32-41).” See Office action at page 11. However, the portion of Katinsky merely describes the functional areas and/or components of a media access web page. (See Katinsky, page 2, paragraph 0031 and FIGS 1-7.)

Katinsky does not disclose a first device (e.g., stream routing processor) configured to determine if a second device (e.g., the stream caster) is configured to stream the requested media, and, if so, to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the second device (i.e., stream caster). Thus, Katinsky does not teach the claimed invention arranged or combined in the same way as recited in the claim 45.

Accordingly, it is submitted that Katinsky fails to disclose, teach, or suggest each and every element of claim 45. Thus, independent claim 45 is patentable over Katinsky.

Applicants further submit that Katinsky does not teach the limitation arranged or combined in the same way as recited in the claims 1, 10, 102, 107, 132, 133, and 134. Applicant further point out that the Office action did not address limitations of claims 1, 10, 102, 107, 132, 133, and 134.

The Examiner rejected 1-58, 60-102, and 107-134 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent application Publication Number 2001/0044851 to Rothman et al. (“Rothman.”) Applicants address the Examiner rejection of claim 45 as set forth in the Office action at page 12

Applicants submit that Rothman fails to disclose, teach, or suggest each and every element of Applicants’ claims and, thus, Rothman is not an anticipatory reference under 35 U.S.C. § 102(e). Moreover, unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102. *Net MoneyIn, Inc. v. Verisign, Inc.*, 07-1565 (Fed Cir. 2008). As set forth above, the underlined portions of claim 45 are not disclosed, taught, or suggested by the cited reference.

The Examiner asserts that “[a]s to claim 45, Rothman teaches the claimed invention (as in exemplary claim 102) including a switch for streaming media to a viewer comprising: a stream caster configured to accept a session from the viewer to stream at least partially the

requested media upon receiving and validating a reservation identification using a valid reservation identification (Figures 2 and 3 and paragraphs 89-99); a stream routing processor configured to determine if the stream caster is configured to stream the requested media, and, if so: to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the stream caster (Figures 2 and 3 and paragraphs 89-99); and a switch controller configured to monitor the stream caster and to notify the stream routing processor of a status of the stream caster (Figures 2 and 3 and paragraphs 89-99).” See Office action at page 12.

However, the cited portion of Rothman describes a user selects a configuration through a client a mode of to be performed for streaming. In particular, Rothman discloses that [d]epending on the setting, the streaming system and method enters the basic/looping state 56, the live state 58, the relay state 60, or the on-line demand state 62. In the first three of these modes (basic/looping, relay, and live), users of the streaming media system, which are accessing a common stream all receive the same data. (See Rothman, page 6, paragraphs 89-94.) Rothman also discloses “the real-time streaming server 38 is required to be capable of continuing a supply of a connected stream, and restoring data without stopping the server operation, even when a disk device is disabled. For this reason, for the data storage unit of the real-time streaming server 38, a fault detection device or technique, such as those known in the art, is used for detecting a disabled disk device, and a disk device exchange device or technique, such as those known in the art, is used for exchanging disks during the server operation.” (See Rothman, page 7, paragraph 0099.)

Rothman does not disclose a first device (e.g., stream routing processor) configured to determine if a second device (e.g., the stream caster) is configured to stream the requested media, and, if so, to receive reservation data comprising the valid reservation identification and to transmit the valid reservation identification to the second device (i.e., stream caster). Thus, Rothman does not teach the claimed invention arranged or combined in the same way as recited in the claim 45.

Accordingly, it is submitted that Rothman fails to disclose, teach, or suggest each and every element of claim 45. Thus, independent claim 45 is patentable over Rothman.

Applicants further submit that Rothman does not teach the limitation arranged or combined in the same way as recited in the claims 1, 10, 102, 107, 132, 133, and 134. Applicant

further point out that the Office action did not address limitations of claims 1, 10, 102, 107, 132, 133, and 134.

Because claims 1, 10, 45, 102, 107, 130, 132-134 are believed patentable, it is not necessary to discuss patentable limitations of claims depending there from, the reference, or the rejections. The lack of a discussion of patentable limitations of those dependent claims should not be construed to mean that there are not patentable limitations in those dependent claims.

Further, all reasons for patentability of the independent and dependent claims have not necessarily been discussed herein. No implication or construction should be made therefore.

Applicants have no further remarks with regard to any references cited by the Examiner and made of record, whether or not acted upon by the Examiner in the action's rejections, even if specifically identified in the action or any other paper or written or verbal communication. No implication or construction should be drawn about any review of the same by Applicants or Applicants' attorney.

Based on the foregoing, it is submitted that the Applicants' claims 1-102 and 107-134 are patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Applicants' attorney welcomes the opportunity to discuss the case with the Examiner in the event that there are any questions or comments regarding the response or the application.

This is intended to be a complete response to the Examiner's Office action mailed on May 29, 2008.

Respectfully submitted,

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